

## PATENT COOPERATION TREATY

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 101070.0001P	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US04/27360	International filing date (day/month/year) 18 August 2004 (18.08.2004)	Priority date (day/month/year) 21 August 2003 (21.08.2003)
International Patent Classification (IPC) or national classification and IPC IPC(7): G03B 15/00 and US Cl.: 396/1, 2, 3, 4		
Applicant COPPOLA, ROMAN		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 08 April 2005 (08.04.2005)	Date of completion of this report 29 July 2005 (29.07.2005)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer David M. Gray DEBORAH A. THOMAS PARALEGAL SPECIALIST Telephone No. 571-272-2800 <del>GROUP 1300</del> <i>Det</i>

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US04/27360

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed.
- ☒ the description:  
 pages 1-8 as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
 pages NONE, as originally filed  
 pages NONE, as amended (together with any statement) under Article 19  
 pages 9-10, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
 pages 1-2, as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
 pages NONE, as originally filed  
 pages NONE, filed with the demand  
 pages NONE, filed with the letter of \_\_\_\_\_.

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US04/27360

## V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. STATEMENT

Novelty (N)	Claims <u>4, 6-9, 11, 13 and 21</u>	YES
	Claims <u>1-3, 5-8, 10, 13-20 and 22</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>4, 6-9, 11, 13 and 21</u>	NO
Industrial Applicability (IA)	Claims <u>1-22</u>	YES
	Claims <u>NONE</u>	NO

### 2. CITATIONS AND EXPLANATIONS

Please See Continuation Sheet

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US04/27360

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Claims 1-3, 5, 10, 13-20 and 22 lack novelty under PCT Article 33(2) as being anticipated by Riordan.

Regarding claim 1, Riordan discloses the technical features of an inflatable structure that is sufficiently translucent to illuminate the interior (see column 2, lines 62-64). And Riordan discloses that the structure is "adapted to provide a uniform background of a chroma key color" (see column 3, lines 64-67). Applicant's attention is directed to section [0064] of the Chen et al. US 2001/0036229 document for support of the examiner's position that the colored background of Riordan is a so-called chroma key color. It is clear that the structure of Riordan can be used for the intended use of photographing a subject. Regarding claims 2, 3, and 5, the ambient light is clearly colored, as sunlight is colored, and any object within the structure is clearly colored as all material objects are colored. Regarding claim 11, Riordan discloses the technical feature of a background having a blue chroma key color (see column 3, lines 64-67). Regarding claims 13-19, clearly any of these objects can be photographed by a person with a camera inside the Riordan structure. Regarding claims 19, 20 and 22, the method steps are met by anyone taking a photograph within the Riordan structure.

Claims 4, 6-9, 11, 12 and 21 lack an inventive step under PCT Article 33(3) as being obvious over Riordan.

Regarding claims 4 and 21, it would have been obvious to provide artificial lighting outside the Riordan structure if the ambient light were too low. One would place the lighting externally in order to obtain the tinted illumination within. Regarding claims 6-8, it would have been obvious to manufacture the shell from any suitable air impervious material including 4-mil vinyl sheeting. Regarding claims 9 and 12, it would have been obvious to manufacture the structure as large as desired. Regarding claim 11, Riordan discloses blue as a preferable color but it would have been clearly obvious to make the structure green.

Claims 1-3, 5-8, 13-20 and 22 lack novelty under PCT Article 33(2) as being anticipated by Leary.

Regarding claim 1, Leary discloses the technical features of an inflatable structure that is sufficiently translucent to illuminate interior (see column 2, lines 36-40). Leary discloses that the structure is "adapted to provide a uniform background of a chroma key color" as the background, walls of the structure, can be tinted as desired (see column 2, lines 40-44) Applicant's attention is directed to section [0064] of the Chen et al. US 2001/0036229 document for support of the examiner's position that the colored background of Riordan is a so-called chroma key color. It is clear that the structure of Leary can be used for the intended use of photographing a subject. Regarding claim s s, 3 and 5, the ambient light is clearly colored, as sunlight is colored, and any object within the structure is clearly colored as all material objects are colored. Regarding claim s 6-8, Leary discloses manufacturing the shell from vinyl having a thickness of 4 mils. Regarding claim s 13-18, clearly any of these objects can be photographed by a person with a camera inside the Riordan structure. Regarding claims 19, 20 and 22, the method steps are met by anyone taking a photograph within the Riordan structure.

Claims 4, 9, 10-12 and 21 lack an inventive step under PCT Article 33(3) as being obvious over Leary.

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**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Regarding claims 4 and 21, it would have been obvious to provide artificial lighting outside the Leary structure if the ambient light were too low. One would place the lighting externally in order to obtain the tinted illumination within. Regarding claims 9 and 12, it would have been obvious to manufacture the structure as large as desired. Regarding claim 11, Leary discloses that the structure can be tinted as desired, thus it would have been clearly obvious to make the structure blue or green.

----- NEW CITATIONS -----

US 2001/0036229 A1 (Chen et al.) 01 November 2001, see sections [0063]-[0065]